

House Study Bill 675 - Introduced

HOUSE FILE _____

BY (PROPOSED COMMITTEE ON
GOVERNMENT OVERSIGHT BILL
BY CHAIRPERSON KAUFMANN)

A BILL FOR

1 An Act relating to disclosures of information to the auditor of
2 state.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 8A.417, subsection 4, Code 2018, is
2 amended to read as follows:

3 4. A person shall not discharge an employee from or take
4 or fail to take action regarding an employee's appointment or
5 proposed appointment to, promotion or proposed promotion to,
6 or any advantage in, a position in a merit system administered
7 by, or subject to approval of, the director as a reprisal for a
8 failure by that employee to inform the person that the employee
9 made a disclosure of information permitted by [this section](#),
10 or for a disclosure of any information by that employee to a
11 member or employee of the general assembly, or for a disclosure
12 of information to the auditor of state, or for a disclosure of
13 information to any other public official or law enforcement
14 agency if the employee reasonably believes the information
15 evidences a violation of law or rule, mismanagement, a gross
16 abuse of funds, an abuse of authority, or a substantial and
17 specific danger to public health or safety. However, an
18 employee may be required to inform the person that the employee
19 made a disclosure of information permitted by [this section](#) if
20 the employee represented that the disclosure was the official
21 position of the employee's immediate supervisor or employer.
22 This subsection does not apply if the disclosure of the
23 information is prohibited by statute.

24 Sec. 2. Section 11.42, subsection 1, Code 2018, is amended
25 to read as follows:

26 1. Notwithstanding [chapter 22](#), information sent or received
27 ~~during the course of~~ pertaining to any audit or examination,
28 including allegations of misconduct or noncompliance, the
29 identities of complainants and witnesses, and all audit or
30 examination work papers shall be maintained as confidential.

31 Sec. 3. Section 11.42, subsection 3, Code 2018, is amended
32 to read as follows:

33 3. Upon completion of an audit or examination, a report
34 shall be prepared as required by [section 11.28](#) and all
35 information included in the report shall be public information.

1 In addition, upon issuance of any report related to a petition
2 for a reaudit pursuant to section 11.6, subsection 4, the
3 identities of eligible electors filing a petition for the
4 reaudit shall be a public record.

5 Sec. 4. Section 70A.28, subsection 2, Code 2018, is amended
6 to read as follows:

2. A person shall not discharge an employee from or take or fail to take action regarding an employee's appointment or proposed appointment to, promotion or proposed promotion to, or any advantage in, a position in a state employment system administered by, or subject to approval of, a state agency as a reprisal for a failure by that employee to inform the person that the employee made a disclosure of information permitted by [this section](#), or for a disclosure of any information by that employee to a member or employee of the general assembly, a disclosure of information to the office of ombudsman, a disclosure of information to the auditor of state, or a disclosure of information to any other public official or law enforcement agency if the employee reasonably believes the information evidences a violation of law or rule, mismanagement, a gross abuse of funds, an abuse of authority, or a substantial and specific danger to public health or safety. However, an employee may be required to inform the person that the employee made a disclosure of information permitted by [this section](#) if the employee represented that the disclosure was the official position of the employee's immediate supervisor or employer.

28 EXPLANATION

29 The inclusion of this explanation does not constitute agreement with
30 the explanation's substance by the members of the general assembly.

31 This bill concerns disclosures of information to the
32 auditor of state and the confidentiality of certain information
33 received pertaining to an audit or examination under Code
34 chapter 11.

35 Code sections 8A.417 and 70A.28, pertaining to certain

1 prohibited actions concerning merit system state employees and
2 state employees generally, are amended to specifically provide
3 that a person shall not take any adverse employment action
4 against a merit system employee or state employee as a reprisal
5 for a disclosure of information to the auditor of state.

6 Code section 11.42, concerning prohibited disclosures
7 relating to the auditor of state, is amended to provide that
8 any information received pertaining to an audit or examination,
9 and not just received during the course of an audit or
10 examination, shall be maintained as confidential subject to the
11 disclosure requirements of the Code section. In addition, the
12 bill specifically provides that the identities of complainants
13 and witnesses pertaining to an audit or examination shall be
14 confidential but provides that the identities of petitioners
15 for a reaudit pursuant to Code section 11.6, subsection 4,
16 shall be a public record upon completion of any report related
17 to that reaudit.